RECD MAY 21 1963

DEMOCRATIC
GERMAN REPORT

Vol. XII No. 8 April 19th 1963 Price: 15 Pf, 5c, 3d.

GLOBKE TRIAL?

GDR Authorities Open Proceedings Against Bonn Aide

The judicial authorities of the GDR have opened legal proceedings against Dr Hans Globke, West German State Secretary, on charges of war crimes, it was announced in Berlin on April 3rd.

During the Hitler period, Globke, often described as the worst war criminal still unhanged, was a leading official in the nazi Ministry of the Interior. Vast quantities of documentary evidence is available in nazi files, held in both parts of Germany and in other countries, showing that Globke played a key part in drafting most of the laws and decrees which led up to the liquidation of millions of Jews, together with uncounted thousands of Poles and Czechs.

The official GDR announcement stated that the Procurator-General of the German Democratic Republic had opened preliminary proceedings against Globke, who is today personal assistant to West German Chancellor Adenauer. In view of the very clear nature of the documentary evidence against Globke, it is expected that detailed charges will soon be lodged, and that the case will go forward for trial, probably by the Supreme Court of the GDR.

The Procurator General of the GDR appealed to the West German legal authorities to cooperate in preparing the case, and offered to arrange an early meeting to discuss the matter, either in West Germany or in East Berlin. To date, no reply has been received from the West German Procurator General. In view of the fact that Globke has hitherto been protected through thick and thin by Chancellor Adenauer, it is considered extremely unlikely that any cooperation will be forthcoming from West Germany. If Globke is not handed over for trial, then he will probably be tried in absentia.

GDR Procurator General Josef Streit, himself a former concentration camp immate, stated in an interview that every state was obliged under international law to take legal action against proven war criminals and persons guilty of crimes against humanity. This was the basis on which the Israel Supreme Court tried and convicted Eichmann.

A precedent to the trial of Globke was set in April 1960, when Theodor Oberländer, West German Minister for Refugees, was found guilty of mass murder, and sentenced in absentia to life imprisonment. After the conviction, Adenauer was forced to sack him, but he still plays a leading role in the West German Christian Democratic Union.

The charges to be levelled against Globke are likely to include the following points, all based on unchallengeable documentary evidence:

1. Globke helped to draft the Nuremberg Laws, Hitler's anti-Semitic legislation, which, by turning all German Jews into second-class citizens, prepared the way for their deportation and murder.

2. Globke initiated the stamping of passports held by Jews with the letter "J", which made them immediately identifiable to the Gestapo.

(cont. on next page)

NAZI ON A WHITE HORSE

Federal Judge Eugen Hering (left) rides in triumph in nazi uniform through the town of Zywiec, occupied Poland. Hering, at that time local governor and police chief in Zywiec, personally murdered at least one Polish civilian. Today he is one of the West German judges appointed to rule on the legality of the West German Association of Nazi Persecutees (VVN).

(For more details on West German judges, see article "Puzzle: Find the Non-Nazi" on page 59)

(cont. from front page)

GLOBKE TRIAL

3. Globke personally supervised the extension of the Nuremberg Laws to Austria and Czechoslovakia when they were occupied by the nazis.

4. Globke helped draft the "Criminal Code for Poles", under which Poles and Jews could be sentenced to death after summary proceedings for even the slightest offences.

* * *

Many of the documents in the Globke case are reproduced, with an English summary of their contents, in the book "Globke, Bureaucrat of Death" recently published in East Berlin. Copies of this book may be obtained, free and post free, from
DGR
Krausen Strasse 9
Berlin W 8

Soviets Protest Pipe Embargo

Bonn Ruling "Hostile Act"

The Soviet Union officially protested on April 6th against the West German ban on the export to the Soviet Union of oil pipe. The Soviet protest note described this as a hostile act which undermined confidence in the West German signature on international agreements.

The West German contract to supply a very large quantity of pipe to the Soviet Union was concluded in October 1962, and was cancelled by the West German Government on March 18th despite the opposition of a majority in parliament. The ban was based upon a vaguely worded NATO "recommendation" which was ignored by other West European states, including Britain and Italy.

The Soviet protest note stated in part:

"This breach of an international agreement undermines confidence in the (West German) Federal Republic as trade partner, and throws into doubt the validity of the signature of the Federal Republic on international agreements. The Soviet Union would like to emphasise that the question at issue here is not so much the pipes as the important principle of relations between states in international trade.

"The action of the Federal Government must be regarded as an undisguisedly hostile act, intended to worsen relations between the USSR and the German Federal Republic, which are in any case not very good.

"The Soviet Government insists that the West German partner should fulfil its obligations, and reserves the right to take further measures."

GDR Document on Disarmament

The Government of the GDR submitted proposals for disarmament in both German states to the 18 State Disarmament Conference in Geneva on April 5th.

The proposal pointed out that the Government of the GDR was doing everything possible to make a contribution to general disarmament, and continued:

"Since an agreement upon disarmament is particularly difficult as long as the two German states stand hostilely face to face, the GDR has proposed that the German Federal Republic and the German Democratic Republic should conclude an agreement of common sense and good will. This agreement would pledge the two German states to renounce the use of force; renounce all attempts to change the German frontiers; and renounce nuclear weapons. In addition the two German states should impose an arms stop, and make further agreements on disarmament.

"Such an agreement would have a favourable affect upon the conclusion of a non-aggression pact between the NATO states and the Warsaw Pact states; upon agreement to prevent the further spread of nuclear weapons; and upon general disarmament."

The GDR proposals were read into the record by the Soviet delegate at the disarmament conference. The American delegate declared that the western powers "would take no note" of the proposals, which should be regarded as "coming from an organisation of non-governmental character".

Charges Against SS Adjutant Dropped

West Berlin's prosecutor general dropped all charges against police inspector Wilhelm Graurock on April 2nd. Graurock was adjutant to the SS Fuehrer of Denmark during the war and was implicated in the murder of at least one Danish resistance fighter; he was on Allied War Crimes lists and long sought by the Danish authorities. He was arrested one year ago after Danish newspapers headlined the fact that he had been working for years in a top job in the West Berlin police force. West Berlin authorities first tried to cover up for Graurock by stating that he had never been in Denmark, but finally and reluctantly arrested him. He was soon released on bail, and charges have now been dropped, allegedly because of lack of evidence.

Graurock also worked with the nazi occupation police in Czechoslovakia and Yugoslavia. He is one of a large number of former SS men, Gestapo aides, and active nazis now holding responsible positions in the West Berlin police force.

They include West Berlin Police Commissar Hans-Joachim Kohlmorgen, formerly company commander in the SS Adolf Hitler Division, and Police Commissar Kurt Gehrmann, sentenced to 25 years for war crimes in Poland and the Soviet Union.

Win a New Reader

Fill in the name and address of a friend, work-mate or acquaintance on the form below, and send it to

Democratic German Report
9 Krausen Strasse
Berlin W 8, Germany

We shall be pleased to mail sample copies of the paper to him or her.

Name .....

Address .....

Puzzle: Find the Non-Nazi

By Eustace Gordon

One of the most important courts of West Germany is almost entirely staffed by former nazis, some of them men with very bad criminal records indeed. This alarming fact has been shown by recent research into the histories of the judges who staff the West German Federal Administrative Court. 40 of the 49 judges of this court were war criminals, nazi party members, nazi judges, or men who held important government posts under Hitler.

Research into the records of the judges of the Federal Administrative Court began late last year, when the court had to decide whether the West German Association of Nazi Persecutees (VVN) was an "anti-constitutional organisation". The trial opened on November 29th 1962, but had to be suspended one day later when a West German anti-nazi resistance fighter present in court produced evidence that the President of the Court was a former nazi storm trooper.

The West German Administrative Court, despite its harmless title, handles many political cases, including the banning of progressive organisations, and questions affecting the award of pensions to former nazi officials, and the reinstatement of such officials. The Federal Administrative Court is, after the Supreme Court and the Constitutional Court, the third most important court in the whole West German legal system.

Here are some details of the nazi records of just a few of the judges of the West German Administrative Court:

Federal Judge Eugen Hering was one of the judges at the trial of the VVN which opened on November 29th and had to be postponed owing to international protests after only two days of hearings. Hering joined the Nazi Party in 1933, and was a member of the SS. After the nazi invasion of Poland, Hering was appointed Landrat, or local governor, of the little town of Zywiec, a post which he held until the town was evacuated by the nazis in March 1945. In this capacity he personally supervised the execution of Polish anti-nazis. Sworn statements by surviving Polish witneses are available testifying that immediately before the liberation of Zywiec by the Red Army in 1945, Hering personally shot an unarmed Polish civilian in the main street of the town.

Federal Judge Fritz Werner was President of the Court at the interrupted VVN trial. Werner joined the Storm Troops (SA) in 1933 and the Nazi Party in 1937. He served as nazi district judge in Kassel, and wrote many pro-nazi legal articles. In the magazine "Deutsche Verwaltung", organ of the Nazi Jurists' League, he wrote in August 1942: "Our era has greatly limited the granting of pardons, and thus turned its back on the 'soft' legal practice of the Weimar Republic. Our verdicts today reflect once again the glory and the strictness of the law".

Federal Judge Ernst-Friedrich Lullies was also a judge on the bench at the interrupted VVN trial. In 1923 Lullies was a member of the proto-fascist underground organisation "Werwolf". In 1933 he joined the Nazi Party, and one year later his superior official in the local administration of Marienwerder, East Prussia, reported that he was "an unflinching supporter of our Government and state". On January 7th 1943 he was promoted to the civil service rank of Senior Government Counsellor in Erfurt, in charge of local police affairs. The promotion proposals described him as a "convinced National Socialist, which guarantees he does his work in the full sense in a National Socialist manner". In January 1945 he was due to be appointed Lord Mayor of Regensburg, but the appointment did not go through because the war ended too soon.

Federal Judge Rudolf Weber-Lortsch. He joined the Nazi Party in 1933, and was an officer in the brown-uniformed Storm Troops. After the nazi occupation of Poland he became Deputy Police President in occupied Katowice. In January 1942 he was appointed SS and Police Commander in Nikolayev, occupied Ukraine. One year later he was transferred to occupied Norway as head of the central department of the Civil Administration.

The chief of the nazi occupation authorities in Norway reported to Himmler on January 4th 1944: "Weber-Lortsch supported the National Socialists before we came to power, and his political-philosophical attitude accords with this fact."

Federal Judge Martin Baring is President of the 8th Senate of the West German Administrative Court. This section of the court deals in particular with pensions and "restitution" for former nazi officials and officers. Baring joined the Nazi Party in 1933, and worked as Senior Government Counsellor in the nazi Ministry of the Interior.

And here are short details on the background of a number of other judges in the West German Administrative Court:

Federal Judge Georg Reimer, member of Nazi Party, Senior Government Counsellor in Goebbel's Propaganda Ministry.

Federal Judge Karl Klein, member of Nazi Party, Senior District Judge in occupied Poland.

Federal Judge Walter Zinser, member of the Nazi Party, district governor in occupied Poland.

Federal Judge Werner Elsner, member of the Nazi Party, Lord Mayor of Liegnitz.

Federal Judge Walther Fürst, member of the Nazi Party, government counsellor in the nazi provincial government of Baden.

Federal Judge Egmont Witten, member of the Nazi Party, nazi district judge.

Federal Judge Wolfgang Ritgen, member of the Nazi Party in 1919, nazi judge.

Federal Judge Ulrich Kohlbrügge, member of the Nazi Party, Senior Government Counsellor in nazi Ministry of Economics.

Federal Judge Gerhard Wolf, member of the Nazi Party, Senior Government Counsellor in nazi Police Headquarters, Berlin.

Federal Judge Friedrich Pütz, member of the Nazi Party and SS. Government Counsellor in the provincial government of Prussia.

Federal Judge Karl-Artur Vierhaus, member of the Nazi Party and SA. Nazi district judge.

Federal Judge Hans-Walrod Waitz, member of the Nazi Party, Government Counsellor in nazi Transport Ministry.

Federal Judge Kurt Neis, member of the Nazi Party and SA, nazi district judge.

Federal Judge Rolf Clauss, member of the Nazi Party and SA, nazi police official in Saxony.

Federal Judge Edmund de Chapeaurouge, member of the Nazi Party, nazi district judge in Hamburg.

Documentation

POTSDAM AGREEMENT — THE TEXT

(The basic document for an understanding of the post-war German question is the Potsdam Agreement, signed on August 2nd 1945 by Britain, the USA and the Soviet Union, with France adhering later. In response to many requests from readers we reprint below the official British text of those parts of the Agreement affecting Germany; other clauses dealt with Poland, Austria, the Far East and other problems. For reasons of space some passages dealing in detail with subjects of purely historic interest such as economic controls, external assets and reparations, have been omitted.)

The allied armies are in occupation of the whole of Germany and the German people have begun to atone for the terrible crimes committed under the leadership of those whom, in the hour of their success, they openly approved and blindly obeyed.

Agreement has been reached at this conference on the political and economic principles of a co-ordinated allied policy toward defeated Germany during the period of allied control.

The purpose of this agreement is to carry out the Crimea declaration on Germany. German militarism and Nazism will be extirpated and the allies will take in agreement together, now and in future, the other measures necessary to assure that Germany never again will threaten her neighbours or the peace of the world.

It is not the intention of the allies to destroy or enslave the German people. It is the intention of the allies that the German people be given the opportunity to prepare for the eventual reconstruction of their life on a democratic and peaceful basis. If their own efforts are steadily directed to this end it will be possible for them in due course to take their place among the free und peaceful peoples of the world. The text of the agreement is as follows:

Political Principles

1. In accordance with the agreement on control machinery in Germany, supreme authority in Germany is exercised, on instructions from their respective Governments, by the commanders-in-chief of the armed forces of the United States of America, the United Kingdom, the Union of Soviet Socialist Republics, and the French Republic, each in his own zone of occupation, and also jointly, in matters affecting Germany as a whole, in their capacity as members of the Control Council.

2. So far as is practicable, there shall be uniformity of treatment of the German population throughout Germany.

3. The purposes of the occupation of Germany by which the Control Council shall be guided are:

(I) The complete disarmament and demilitarization of Germany and the elimination or control of all German industry that could be used for military production. To these ends: (a) All German land, naval, and air forces, the S.S., S.A., S.D., and Gestapo, with all their organizations, staffs and institutions, including the General Staff, the Officers' Corps, Reserve Corps, military schools, war veterans' organizations, and all other military and quasi-military organisations, together with all clubs and associations which serve to keep alive the military tradition in Germany, shall be completely and finally abolished in such manner as permanently to prevent the revival or reorganization of German militarism and Nazism; (b) all arms, ammunition, and implements of war, and all specialized facilities for their production, shall be held at the disposal of the allies or destroyed. The maintenance and production of all aircraft and all arms, ammunition, and implements of war shall be prevented.

(II) To convince the German people that they have suffered a total military defeat and that they cannot escape responsibility for what they have brought upon themselves, since their own ruthless warfare and the fanatical Nazi resistance have destroyed the German economy and made chaos and suffering inevitable.

(III) To destroy the National Socialist Party and its affiliated and supervised organizations; to dissolve all Nazi institutions; to ensure that they are not revived in any form; and to prevent all Nazi and militarist activity or propaganda.

(IV) To prepare for the eventual reconstruction of German political life on a democratic basis and for eventual peaceful co-operation in international life by Germany.

4. All Nazi laws which provided the basis of the Hitler regime or established discrimination on grounds of race, creed, or political opinion shall be abolished. No such discriminations, whether legal, administrative, or otherwise, shall be tolerated.

5. War criminals and those who have participated in planning or carrying out Nazi enterprises involving or resulting in atrocities or war crimes shall be arrested and brought to judgment. Nazi leaders, influential Nazi supporters, and high officials of Nazi organizations and institutions, and any other persons dangerous to the occupation or its objectives shall be arrested and interned.

6. All members of the Nazi party who have been more than nominal participants in its activities, and all other persons hostile to allied purposes shall be removed from public and semi-public office and from positions of responsibility in important private undertakings. Such persons shall be replaced by persons who, by their political and moral qualities, are deemed capable of assisting in developing genuine democratic institutions in Germany.

7. German education shall be so controlled as completely to eliminate Nazi and militarist doctrines and to make possible the successful development of democratic ideas.

8. The judicial system will be reorganized in accordance with the principles of democracy, of justice under law, and of equal rights for all citizens without distinction of race, nationality, or religion.

9. The administration of affairs in Germany should be directed towards the decentralization of the political structure and the development of local responsibility. To this end (I) local self-government shall be restored throughout Germany on democratic principles, and in particular through elective councils, as rapidly as is consistent with military security and the purposes of military occupation; (II) all democratic political parties with rights of assembly and of public discussion shall be allowed and encouraged throughout Germany; (III) representative and elective principles shall be introduced into regional, provincial and State (Land) administration as rapidly as may be justified by the successful application of these principles in local self-government; (IV) for the time being no central German government shall be established. Notwithstanding this, however, certain essential central German administrative departments, headed by State Secretaries, shall be established, particularly in the fields of finance, transport, communications, foreign trade, and industry. Such departments will act under the direction of the Control Council.

10. Subject to the necessity for maintaining military security, freedom of speech, press, and religion shall be permitted, and religious institutions shall be respected. Subject likewise to the maintenance of military security, the formation of free trade unions shall be permitted.

Economic Principles

11. In order to eliminate Germany's war potential, the production of arms, ammunition, and implements of war as well as all types of aircraft and sea-going ships shall be prohibited and prevented. Production of metals, chemicals, machinery, and other items that are directly necessary to a war economy shall be rigidly controlled and restricted to Germany's approved post-war peace-time needs to meet the objectives stated in paragraph 15. Productive capacity not needed for permitted production shall be removed in accordance with the reparations plan recommended by the Allied Commission on Reparations and approved by the Governments concerned, or if not removed shall be destroyed.

12. At the earliest practicable date, the German economy shall be decentralized for the purpose of eliminating the present excessive concentration of economic power as exemplified in particular by cartels, syndicates, trusts, and other monopolistic arrangements.

13. In organizing the German economy, primary emphasis shall be given to the development of agriculture and peaceful domestic industries.

14. During the period of occupation Germany shall be treated as a single economic unit. To this end common policies shall be established in regard to: (a) mining and industrial production and allocation; (b) agriculture, forestry, and fishing; (c) wages, prices, and rationing; (d) import and export programmes for Germany as a whole; (e) currency and banking, central taxation, and Customs; (f) reparation and removal of industrial war potential; (g) transportation and communications. In applying these policies account shall be taken, where appropriate, of varying local conditions.

(The remaining paragraphs of the Economic Principles deal with allied controls on the German economy, repair of transport, German external assets and reparations.)

City of Koenigsberg and the Adjacent Area

The conference examined a proposal by the Soviet Government that, pending the final determination of territorial questions

at the peace settlement, the section of the western frontier of the Union of Soviet Socialist Republics which is adjacent to the Baltic Sea should pass from a point on the eastern shore of the Bay of Danzig to the east, north of Braunsberg–Goldap, to the meeting point of the frontiers of Lithuania, the Polish Republic, and East Prussia.

The conference has agreed in principle to the proposal of the Soviet Government concerning the ultimate transfer to the Soviet Union of the city of Koenigsberg and the area adjacent to it as described above, subject to expert examination of the actual frontier.

The President of the United States and the British Prime Minister have declared that they will support the proposal of the conference at the forthcoming peace settlement.

Poland

(After paragraphs dealing with Polish internal problems, the Potsdam Agreement continued:)

B. The following agreement was reached on the western frontier of Poland:

In conformity with the agreement on Poland reached at the Crimea conference, the three heads of Government have sought the opinion of the Polish Provisional Government of National Unity in regard to the accession of territory in the north and west which Poland should receive. The President of the National Council of Poland and members of the Polish Provisional Government of National Unity have been received at the conference and have fully presented their views. The three heads of Government reaffirm their opinion that the final delimitation of the western frontier of Poland should await the peace settlement.

The three heads of Government agree that, pending the final determination of Poland's western frontier, the former German territories east of a line running from the Baltic Sea immediately west of Swinemunde, and thence along the Oder River to the confluence of the western Neisse River and along the western Neisse to the Czechoslovak frontier, including that portion of East Prussia not placed under the administration of the Union of Soviet Socialist Republics in accordance with the understanding reached at this conference and including the area of the former free city of Danzig, shall be under the administration of the Polish State and for such purposes should not be considered as part of the Soviet zone of occupation in Germany.

The conference reached the following agreement on the removal of Germans from Poland, Czechoslovakia, and Hungary:

The three Governments, having considered the question in all its aspects, recognize that the transfer to Germany of German populations, or elements thereof, remaining in Poland, Czechoslovakia, and Hungary will have to be undertaken. They agree that any transfers that take place should be effected in an orderly and humane manner.

(This section of the Agreement then dealt with the question of the equitable distribution of Germans transferred from Poland, Czechoslovakia and Hungary to Germany proper, and established machinery to supervise the transfer. A further paragraph established inter-Allied machinery for dealing with German shipping.)

This text of the Potsdam Agreement is reproduced from "United Nations Documents 1941–1945", Royal Institute of International Affairs, London, 1946.

The New Appeasers

The Soviet Union charged on April 8th that plans to grant nuclear weapons to West Germany were reminiscent of the "appeasement policy" towards Hitler pursued by Britain and other states on the eve of World War Two.

The warning came in Soviet notes addressed to Britain, the United States, and West Germany.

The notes dealt at length with current plans for establishing multilateral NATO nuclear forces, and warned that if such plans were implemented the Soviet Union would be forced to take appropriate action. Instead of providing nuclear arms for West Germany, and thus spreading nuclear weapons further, the note suggested a number of measures, including an international ban on such weapons, the conclusion of a German peace treaty, and the conclusion of a non-aggression pact between the NATO states and the Warsaw Pact states.

Here are some passages from the Soviet Note to the USA dealing in detail with the West German position:

"The official foreign policy of the (West) German Federal Republic aims at a revision of the results of World War Two, a revision of the existing German frontiers, and outspoken hostility towards the German Democratic Republic, the socialist German state. This is a policy of revenge, a policy of war, and this is the reason why Federal Germany calls for equality of arms, and particularly of nuclear arms, with other NATO states.

"The western powers, who make concessions to Federal Germany step by step, always state that they have made the final concession. After the creation of the German Federal Republic, the governments of the USA, Britain and France promised that their child would not be allowed to have any sort of army, but only police formations.

"Two years later the plan was unveiled to establish a 'European Army', which would include a West German contingent of 500,000 men. There were long declarations stating that the advantage of this plan was that it would keep West German armaments under control, and prevent the establishment of independent forces in the Federal Republic.

"Similar arguments were heard in 1954, when the Paris Agreement was signed, under which the Federal Republic was able to join NATO. The Paris Agreement was described as a guarantee that West German rearmament would be confined to a minimum, and that the Bundeswehr would not be allowed to have many types of conventional weapons, let alone weapons of mass destruction.

"But what has happened? Today there is a Bundeswehr 400,000 strong, commanded by former Hitler generals. Plans have been worked out to raise its strength to 750,000. On the basis of its growing military strength, the Federal Republic is taking over one position after another in NATO. The limitations on the construction of warships, heavy weapons and many categories of rockets have long been forgotten. The plans for a multilateral NATO nuclear force show that the western powers are now ready to overcome the last obstacles in the way of granting nuclear weapons to the Federal Republic.

"The Federal Republic, which began 13 years ago with police formations, is today knocking on the door of the nuclear club.

"It is clear that one concession to the militarist forces leads to another, and there can be no confidence that the present plan will be the last concession.

"The whole situation is very reminiscent of the days before World War Two, when those at the helm in the western countries sacrificed the security and liberty of one country after another in the attempt to 'appease' Hitlerite Germany. This policy only led to bigger demands from the German militarists, and World War Two came ever closer."

Adenauer Prettifies Bonn-Paris Pact

The West German Government will attach a special "preamble" to the Bonn-Paris Pact when it comes up for ratification in the West German Parliament at the end of April, a government spokesman announced on April 5th.

This preamble, which is intended to "prettify" the pact, will stress that despite the terms of the pact, West Germany is still a staunch NATO supporter. The preamble has been made necessary by the fact that other NATO countries, including the United States and Britain, regarded the last obstacles in the way of granting nuclear weapons to the Federal Republic.

The camouflage preamble will in fact have a purely cosmetic effect. The conservative West German newspaper "Die Welt" pointed out in an editorial on April 5th: "This preamble is, at least formally, more than a resolution, but since it is not binding on both partners to the pact. it is really only a demonstration".

CRIME & PUNISHMENT IN EAST BERLIN (II)

By Allen Mann

What happens when a criminal court in East Berlin is too severe? On a visit to the main courthouse near Alexander Platz in central East Berlin, I visited an appeals case of a railwayman sentenced to one year in prison for illegal possession of a revolver. Illegal arms possession is a serious offence in the GDR, as in many other countries, but the defendant decided that he was being much too severely handled, and went to a defence counsel who lodged an appeal.

I just happened on the case, which was being heard in one of the many small courtrooms lining the long corridors of the big building. Having just witnessed several lower court trials, I was interested in comparing procedure in the district upper court. In lower courts, the presiding judge is usually quite young, and is assisted by two lay judges *(Schöffen)*, elected in factories and offices to participate in occasional trials over and above their regular jobs. But here the three judges traditional in European law were all professionals and were clearly older and more experienced.

The presence of a defence lawyer was also in contrast with the few lower court cases I had happened to witness, but aside from that, there seemed no differences, and the same informal atmosphere, with almost no legal rigmarole or terminology, was maintained throughout.

The defendant was a rather grumpy-looking man in his upper forties who had evidently come right to court from his job as a mechanic on the municipal railway (S-Bahn), to judge from his boots and traditional German dark blue railwaymen's uniform. About half of the twenty courtroom spectators were also wearing this uniform, and had obviously come to witness their colleague's trial.

Two years ago the defendant was looking through an abandoned house just before its demolition. Suddenly, in a pile of rubbish, he found an army revolver, old but in good condition and with ammunition. If he had handed in his find to the police, that would have been the end of the case, but he had instead hidden the weapon for almost a year; he was unable to explain adequately his reasons for this. Then, becoming worried that his growing children might find the revolver, he sold it to a waiter in a nearby pub, receiving the very modest price of 45 marks (£4) for it.

The waiter was a very unsuitable man to sell a revolver to: he had a medical record as a chronic alcoholic. When, drunk he started waving his revolver at visitors and shouting playfully "Hands up". Then, during a drunken quarrel with his wife, he fired several shots into the ceiling and the police learned of the matter.

In the lower court trial, the waiter was sentenced to something over a year in jail, and the railwayman was very shocked when he was also sentenced to one year. He went to a lawyer and appealed.

After both state prosecutor and defence lawyer had explained their positions, the presiding judge took over the questioning, playing the main part in the case as is usual in Europe. Since the question of legal guilt was undisputed, the whole discussion centred around the character of the defendant and his reasons for concealing and then selling the revolver.

And here came an angle of the case which was astonishing, at least to me. It seems that the judges of the Superior Court, in preparing the case, had visited the workshop where the defendant worked and had conducted a long discussion with his crew, or "work brigade". This now came out in the trial. Several of his colleagues spoke, among them the shop's trade union secretary, and all of them pointed out that he had been working conscientiously in the same shop for 14 years, that he was a trusted and efficient worker who had three times been awarded the "Activist" medal for his good work and for suggesting improvements in shop methods or equipment. The last such award, in fact, had been after the trial at which he had been sentenced to the year in jail. He had also taken an active part in cultural activities of the trade union, organising a small accordeon group, for example.

After talking with the judges, the brigade had decided to work out a statement to submit to the court; in it they pledged to help keep the defendant a well-integrated member of their work brigade and to organise programmes of leisure activities with educational value for the benefit of all members of their group.

The time came for the prosecutor (a woman, incidentally, as was one of the three judges) to sum up the "state's" position in the case. She stressed that concealing weapons was a serious offence, especially in the Berlin area with its occasional sharp tensions. This particular revolver, sold as it was to someone of unknown character, might well have been used to inflict harm on innocent people. The lower court judges who had imposed the sentence of one year (and who were sitting in on the case as spectators) had been well within their rights in giving the defendant the penalty provided for by law. But, she added, it would be "formal legalism" to hand down sentences only on the basis of the written laws and without taking the motives and the character of the defendant into account. There was no evidence of any sinister motive, and the defendant had shown in his work that he was a responsible member of society. She stressed especially the statement of the work brigade and the fact that the defendant had received one of the "Activist" awards for his work after receiving the first sentence. She therefore asked for the legal sentence of one year, to be suspended, however for two years: if he committed no offense in this time he would serve no time in jail; if he did, he would have to serve both sentences.

Then the defence lawyer spoke — a well-dressed, rather jaunty man in his early forties. He expressed his agreement with the sentence asked for by the prosecutor, but then went on to say something rather unusual. He did not believe that the recent award as "Activist" should be counted especially in his client's favour, he stated. The real reasons for a milder sentence lay in the lack of sinister motives and in the good character of his client, and could be viewed without taking into account this recent award; the same decision would be called for even if he had not received it. He emphasised that questions of crime and character were very complicated, and should not be seen in quite such an uncomplicated manner as the prosecutor had implied.

The defendant was asked whether he had any statement to make or further questions to ask; since he did not, the judges retired to consider the case. The next day they announced their verdict, that which was asked for by the prosecutor. The appeal of the railwayman was won, and he would serve no time in jail if he committed no further offence in the year ahead.

(A final article discussing developments in crime and punishment in the GDR will be published in a later issue.)

Farm Girl No More

By Helga Preuss

When I first saw Inge Klinger about eight years ago, she was still wearing long braids. Shortly after, on my advice, she "modernised" herself a bit. Then, when I saw her last summer again, she had no need of any such advice. She had a modern, closely curled hair-do, a pretty summer frock, and around her was furniture of the most up-to-date kind. I asked her to tell me how this had come about, and since I had an hour before catching my train, she was able to tell me briefly the "story of her life", which actually began with the story of her parents.

In former decades, many thousands of poor agricultural labourers wandered every summer from the eastern parts of Europe towards the west in order to hire themselves out as harvest-helpers. They received starvation wages but were compelled to take any job offered them, for otherwise they would have had nothing at all to eat. Paul Klinger, who came from a small village in what was formerly East Prussia, arrived as a seasonal worker in the area north of Berlin known as the Uckermark. He had "luck", for he was able to stay. The Count of Boitzenburg, a small town in the Uckermark area, needed lumberworkers. And Paul Klinger also had the very real luck to find a good, honest, decent and industrious wife. Together with two other families they lived in a small cottage which, like all the land in the area, belonged to the count. I have seen the cottage, now used by two families, and I have also seen the chateau of the count, which is used today as a large holiday home for trade union members.

Paul Klinger chopped down timber until in 1939 he had to exchange his axe for a rifle in order to destroy other men instead of trees.

Inge was born in 1942, the youngest of three children. When the war was over, she had things better than her parents, who had learned to read in a village school with one teacher and one schoolroom. If Inge had been a few years older, she too would have gone to such a school; but she was lucky. By the time she reached school age, the one teacher school in the next village had been replaced by a proper school with a teacher for each of its eight classes. When I last visited the village, I was able to admire the new schoolhouse which was built for it.

Her father was now no longer a lumberworker. During the land reform in East Germany shortly after the war, he had received 50 acres of land which had formerly belonged to the count, and now he cultivated this land with his wife and children. He was no longer a victim of exploitation, but he had seen for too many years how exploitation is carried out. He bought an additional 50 acres from a neighbour, slaved away with all his strength on his land, and drove his family to the limits of their strength. When I saw Inge in the summers she was always carrying pails, removing manure from the barn, in the fields — from morning till night. She was given no time to rest or relax, and hardly any for her schoolwork. Her father could hardly wait for her to finish school so that she could toil all day for him on the farm.

His two sons had both moved away from home when they grew up, but Inge and her mother had to remain. When they were finished with their work in the fields and returned home, dead-tired, they still had countless chores. They had to make supper, pour him his coffee, bring him everything he wanted, look after the animals and keep the house clean and orderly. He directed them in their work.

One day, soon after Inge's eighteenth birthday, when she was no longer a minor, there was a big family quarrel. Inge started to go out in the evening; her father shouted at her that she didn't work nearly enough. Inge became very quiet. "You know, father", she said, "I can't bring myself to leave you in the middle of harvest-time, otherwise I would leave home right now. But in the autumn I am going to search for a job!" He, too, became very quiet, for he knew that she was in earnest and he knew also that he was losing the cheapest labourer he would ever be able to obtain. He had never given his daughter more than an occasional mark or two.

"What shall I do now?" Inge wondered almost desperately. She had never learned any trade, and she knew that she could expect no financial assistance from her father.

One day she saw a small notice on a bulletin board: "Girl wanted as nurses' helper in the Boitzenburg medical clinic." "That's just the thing for me", Inge thought and, in her eagerness, she took the notice with her so that no-one else would see it and get the job before her. She sat for a long time writing an application for the job, and the days she waited for an answer seemed endless. Finally she went to the clinic — and was accepted.

Although it was only chance which had directed Inge to this profession, she soon became very skillful. She learned quickly to prepare injections, and no-one could remove bandages as gently as Inge Klinger. The doctor in the little clinic persuaded her to learn the job of nurse properly, and the management of the clinic gave her one paid day off every week to go to the nurses' school. In the meantime she had found herself a little room in Boitzenburg; it was not very comfortable but was near the hospital. She studied there in the evening in preparing for her examination as assistant nurse, which she passed without difficulty.

At present she is working in the hospital in a larger town not far away. She is continuing her training and hopes to become a registered nurse. As in Boitzenburg, she is granted one day a week at full pay for her further training. She lives in the hospital's newly-built nurses' home. The home has central heating, so she has no more bother with buying coal and firing the oven, and she receives her meals there, so she need no longer waste her free time cooking for herself, although she can always use the big modern kitchen to cook a meal now and then if she wishes. Her room is fitted with modern, tasteful furniture and curtains, but her own flowers and pictures lend the room a personal note.

Is she happy? "If I stop to think things over", she told me, "I have been much luckier in life than my mother. She has had to work hard in the fields all her life, to take care of the animals, to run the household, and what is worst, she has a husband who is never satisfied but who wants always to be served as if he were a king. If she were as young as I am she would do what I have done and leave home. But she has grown old and tired, and she will stay where she is like an old draught horse who has to pull the same cart every day until he drops. I wouldn't want to exchange with her. And I know one thing; if I get married, nothing of the kind will happen to me — nor to any young women nowadays!"

BERLIN NOTEBOOK

By John Peet

I don't know if any film importers in Britain, America, or other countries read this page; but if they do, I would urge them to make a bid for a first-class new film which has just been made here in the German Democratic Republic.

This new film, entitled "Naked Among Wolves", is in my opinion far and away the best ever made about the sombre subject of nazi concentration camps, and I think I have seen them all.

Heroic Story

The concentration camps are such a huge and ghastly subject that it is very difficult to make a film which is not just a series of horrors, but "Naked Among Wolves" has achieved this object triumphantly. It tells a very simple and heroic story, which in addition has the advantage of being a true story.

A month or two before the end of the war, a little Jewish boy, saved from the gas-chambers of Auschwitz, was smuggled into Buchenwald Concentration Camp. The organised anti-fascist fighters in the camp, Germans, Poles, Russians and others, are faced with a dilemma; they want to save the life of the little boy, but if they try to conceal him this may well lead to the exposure of their underground organisation.

Saving the little boy may mean that hundreds of others will lose their lives, just a few days before the rapidly approaching American army gets near enough for the prisoners to rise against the SS guards, say some. Abandoning the little boy to his fate is unthinkable, say others.

Boy Saved

After two hours of extreme tension, the question is decided; the boy is saved, and the prisoners stage a successful rising. The film is brilliantly made, and former concentration camp inmates who saw it with me at the press showing assure me that it was true to life in every detail.

This is hardly surprising, since the author of the book on which the film was based, Bruno Apitz, was himself a prisoner in Buchenwald for many years, and helped to save the life of the little boy. The actor, Erwin Geschonnek, who plays the main role, was also a concentration camp prisoner for very many years.

Incidentally, the book "Naked Among Wolves", best seller in the GDR, has been translated into a dozen languages and has sold more than 1,500,000 copies in German and in translation. It is available in English in the Seven Seas Books series, on sale in Britain and other countries.

If these words should come to the attention of a film importer, I would like to assure him that it does not push any particular political line, unless being anti-nazi in the broadest sense is a political line. I dislike high-falutin phrases, but this film really is a declaration that man's humanity can triumph over inhumanity.

Bottled Border

Once, many years ago, when I was a foreign correspondent for Reuters news agency, I went to the cable office to file a story for London. The cable operator, an old friend, said: "Look, I shouldn't really do this, but your competitor Mr X of the Y news agency was in a minute ago and handed in this cable. It looks screwy to me, and I'm afraid he'll be in the soup if I send it."

And he handed me a cable which was very screwy indeed. Mr X, who probably had private troubles, had been hitting the bottle very hard, and his cable, giving the result of an international football match, could not have been more wrong. He had the names of the teams wrong; he had the result of the match wrong; and to cap it all he had them playing in the wrong city.

Moved by a sense of solidarity, the cable operator and I re-wrote the message, and Mr X was saved, that time at least, from the inevitable sacking which was creeping ever nearer.

I was reminded of this long-forgotten incident on April 2nd when I read a story in the Paris edition of the "New York Herald Tribune". The story, attributed to the Herald Tribune Bureau in Washington, stated:

"Mr (Harold) Wilson urged 'a willingness to recognise on a factual basis Germany's eastern frontiers'. This referred to the former Polish territory now claimed by Communist East Germany."

The report is, of course, perfectly correct, except for the facts. If the Herald Tribune Bureau in Washington meant anything, it meant "This referred to the former German territory in eastern Europe which has formed an integral part of Poland since 1945, which is formally recognised as part of Poland by East Germany, but which is still claimed as part of Germany by capitalist West Germany in defiance of the terms of the Potsdam Agreement."

The only explanation I can find for this complete ignorance, or ignoring, of the facts by the Herald Tribune Washington Bureau is that they are all hitting the bottle.

White Sheep?

On another page of this issue we tell the sorry story of the West German Federal Administrative Court, in which 40 of the 49 honourable judges are old nazis. My first reaction when I heard the story was to feel almost sorry for the other nine judges, who might feel a little isolated in this sea of colleagues still wearing brown shirts, mentally at least. But such feelings of sympathy are apparently misplaced; there is no indication at all that any of the nine were ever anti-nazis. Legal experts here tell me that the whole West German system of appointing judges, particularly to top-flight posts such as those of Federal Judge, works on such a closely-integrated "old-boy-network" that it is highly probable that most or all of the nine "odd-men-out" have nazi records too; their omission from the listing published in East Berlin is simply due to the fact that many nazi records were destroyed, or are held in West Germany.

Democratic GERMAN REPORT

Subscription rates: 4 marks, 8/- sterling, $1.25 per annum or pro rata, postage paid.

Subscriptions may be paid at the following addresses:

Democratic Germany: At all post offices.

Britain: Collet's Subscription Dept: 45 Museum St. London W. C. 1

Edited and published fortnightly by John Peet. Democratic German Report, Krausenstrasse 9, Berlin W 8, Telephone 22 29 68. Printed in Germany by (204). Veröffentlicht unter Lizenz-Nr. 694 beim Presseamt des Ministerpräsidenten der Deutschen Demokratischen Republik.